

Regular meeting of the City Council Austin, Texas, June 10th 1909.

Hon A P Wooldridge, Mayor presiding; Roll called:

Present Mayor Wooldridge, Councilmen Bartholomew, Hart and Powell 4

Absent Councilman Gracy.

Councilman Hart stated to the Council that Policeman Peterson had tendered his resignation as Policeman on account of ill health, and moved that his resignation be accepted, which motion prevailed. Councilman Hart, upon the recommendation of Marshal Laughlin presented the name of A Y Mc Wright for confirmation as policeman to fill the vacancy caused by the resignation of M W Peterson, which nomination was confirmed by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew and Powell 3

Nays none.

*Resignation of  
M W Peterson as  
Policeman  
A. Y. Mc Wright  
appointed Policeman*

Austin June 11th 1909.

The Council was called to order by the Mayor, with all members present.

Councilman Powell called up the resolution awarding contract for paving west sixth street to Heffron & Fallagant and moved to lay the resolution on the table, which motion prevailed by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart and Powell 5  
Nays none.

Councilman Powell offered the following resolution, viz:  
Be it resolved by the City Council of the City of Austin: That the Supt of Streets & Public Property be and he is hereby authorized and directed to advertise for bids for paving West sixth street from Guadalupe to San Antonio streets. Said advertisement to be published for five days in some daily paper published in Austin.

The resolution was adopted by the following vote:

Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

Councilman Powell laid before the Council bids for Storm Sewer in alley west of Guadalupe street, and moved that the Council proceed to open said bids, which motion prevailed. Bids from Heffron & Fallagant, C E Leonard, R H Dunham & Ben St John were then opened and canvassed.

Councilman Powell moved that the bid of Mess Heffron & Fallagant of Galveston, Texas, be accepted, theirs being the lowest bid, offered, which motion prevailed by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none.

Councilman Gracy presented to the Council 5 bids for printing 500 copies of the City Charter, which was authorized by the Council.

*Resolution awarding  
Paving Contract to  
Heffron & Fallagant  
laid on the table*

*Supt Streets to  
advertise for bids  
for paving West  
from Guadalupe to  
San Antonio St*

*Bids for Storm  
Sewer in Alley West  
Guadalupe St &  
Award made to  
Heffron & Fallagant*

Bids for printing  
Charter opened

The bids were opened and laid over for future action.

The Council then recessed until tomorrow morning.

Austin, Texas, June 12th 1909, 9 A M

The Council was called to order by the Mayor, with all members present, except Councilman Gracy.

The Mayor laid before the Council an ordinance appropriating the sum of \$ 500.00 for the purpose of paying weekly pay rolls street Dept.

The ordinance was read the third time and passed by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew Hart & Powell 4

Nays none.

On motion the Council took a recess.

Austin Texas, June 12th 1909,

2,30 P M .

The Council was called to order by the Mayor, with all members present.

The minutes of the last meeting were read and approved.

Petitions, Memorials, etc:

The Mayor laid before the Council a petition from Messrs J & W D Allison asking that the Council correct their assessment for taxes as fixed by the Board of Equalization, which was read and referred to Councilmen Hart & Gracy & the City Attorney.

The Mayor laid before the Council a petition from Citizens in the Southeastern part of the City asking to have their water supply looked after, which was read and on motion referred to Councilman Bartholomew, with power to act. by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell all 5

Nays none.

The Mayor then laid before the Council a petition from Chas Stephenson asking the Council to donate to him a certain part of East 24th street, which was read and on motion referred to Councilmen Powell, Gracy and the City Attorney.

Councilman Hart presented to the Council a petition from K C Miller asking to erect an iron clad building within the fire limits, which was read and on motion the permit granted by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5

Nays none.

Councilman Powell presented a report of the City Engineer in regard to Garden street, which was read and on motion referred to Councilman Gracy, the City Attorney and the City Engineer.

The Mayor laid before the Council the following reports, which were read & ordered filed, Viz :

Water & Light Dept for April & May

The Engineer, the Sanitary Inspector, the Plumbing Inspector, the Assessor & Collector the Treasurer, the Marshal & the City Clerk for the month of May 1909.

The Mayor laid before the Council a report from the Water & Light Dept, giving list of those in arrears for water, Light & Power for more than three months or more, as directed by resolution of the Council, which was read.

By Councilman Hart an ordinance appropriating the sum of \$ 250.00 for the purpose of cutting weeds and other sanitary work. The ordinance was read

Approve extra labor

Petition J & W D  
Allison to correct  
Assessment

Citizens in regard  
to Water supply

Chas Stephenson  
asking City to donate  
part certain streets

K. C. Miller  
building permit

Report City Engineer  
Garden Street

Reports City officers

Report Water & Light  
Dept

Approve cutting weeds

. the first time and the rule suspended and the ordinance placed on its second reading by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none: The ordinance was read the second time & laid over .

By Councilman Hart an ordinance appropriating the sum of \$ 400.00 for certain needed repairs at the City Hospital.

The ordinance was read the first time and the rule suspended and the ordinance placed on its second reading by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart & Powell 5  
Nays none

The ordinance was read the second time and laid over until the next meeting

By Councilman Hart an ordinance amending Article 561, Chapter xiv of the Revised Ordinances of the City, fixing salaries of Drivers and Tillerman of the fire Dept . The ordinance was read the first time.

On motion the Council took a recess until 9 oclock A M. ~~June 14th 1909.~~  
June 14th 1909.

Austin June 14th 1909.

The Council was called to order by the Mayor, with all members present.

Councilman Hart offered the following resolution .

Whereas, at a recess meeting of the City Council of the City of Austin, held on the 8th day of June, A D 1909, it appearing to the Council from information received that a pugilistic encounter of some character, called a " Boxing " or " Sparring " match had taken place at the Gymnasium rooms of Albert W Ratz, in the City of Austin, on the evening of June 4th 1909, between Victor C Lyons and Geo Keppe, which terminated fatally to the said Victor C Lyons on June 5th A D 1909, and

Whereas, after the fatal result to the said Lyons became known, a vigorous rumor was circulated on the streets of the City of Austin, that the City Marshal J T Laughlin and Seargent of Police J D Platt, who were present with other Officers, State, County and Federal, should have interposed and stopped the encounter before its termination, - the direct charge being made that it was the duty of the two police officers to specially interfere, and because of their failure to do so, that they should be summarily dismissed from office without investigation, and whereas,

The City Marshall, at his own instance, desiring and requesting a full and rigid investigation of the charge, and this also being the opinion of the Council, the following resolution was unanimously adopted and printed in the daily papers:

"Whereas, the public and this Council are entitled to full information concerning the facts of the pugilistic encounter which took place at the rooms of Albert Ratz a few evenings ago, concerning which some reflections have been made, upon the failure of the City Marshall to arrest the parties and stop the fight, and

Repairs Hospital

Ordinance fixing Salaries Fire Dept

Resolution pugilistic encounter

✓ . Whereas, the City Council feels that, in justice to the public and to the City Marshall an investigation be had.

Be it therefore resolved by the City Council that the said investigation be had on Wednesday, June 9, 1909, at 9 o'clock A. M., and any person who has knowledge of this affair, and may desire to give evidence, is requested to be present and state such facts within their knowledge, as may be required by the Council; and the City Attorney is hereby instructed to procure the attendance at such meeting of such witnesses as he can procure to be present".

And whereas, on said June 9th, at 9 o'clock, said Council having reconvened, testimony was begun to be taken and continued from day to day, every one being invited and earnestly requested to come forward and testify before the Council, not only as to what they knew, but what they had heard concerning the charge brought against said Officers, and all citizens were earnestly requested to participate in and give their unbiased testimony or views as to the neglect of duty charged against said Officers, and when any witness was suggested, whose testimony might throw light on the situation, the Council, through its Mayor, used the Officers of the City to cause their attendance. No effort was spared to secure the attendance of every person who could aid in the investigation, that the truth might be arrived at. A large number of witnesses having responded and testified, to-wit, about 57, and the names of no others having been suggested by either the City Attorney, the City Council, or other person, and no other witnesses appearing, though urged to do so by the Council, the taking of testimony was closed at noon on Saturday, June 12th, and

Whereas, the City Council having duly, deliberately and patiently heard and reviewed the testimony of every character introduced, whether relevant or not, and believing that there was no evidence to support said charge, is of opinion that said charge is not sustained, in whole or in part, and that said Officers, the City Marshal, J T Laughlin and Sergeant J D Platt, were not derelict in their duties as charged.

BE IT THEREFORE RESOLVED, by the City Council of the City of Austin:

That City Marshal J T Laughlin, and Sergeant of Police, J D Platt, be, and they are hereby, fully exonerated and acquitted of the charge of the neglect of duty on the evening of June 4th 1909, in failing to interfere and stop the so-called Boxing or Sparring Match hereinbefore referred to.

Councilman Greyc offers the following as a substitute for the last section of the preamble in the the resolution of Councilman Hart, viz:

And whereas, the City Council having duly and deliberately heard the testimony of every character, whether relevant or not, examining 57 witnesses, and found from said testimony, that of the witnesses heard of said witnesses who saw said contest all except 4 swore that there was no brutality whatever during said contest until at the time same was stopped, in the 11th round, and that in their opinion said Officers had no right to interfere until the time the contest was closed: Two of said 4 witnesses who saw said contest, swore that they thought that the contest was brutal, but saw no reason for interference by the Officers. One of said 4 witnesses swore the contest was brutal and should have been stopped at the 6th round. The remaining one of said 4 witnesses swore that the contest was brutal and should have been stopped at the 8th round, but neither called the same to the attention of the Officers.

From the testimony introduced and carefully considering the same, the Council is of the opinion that said charge is not sustained, in whole or in part, and that said

Officers, the City Marshal, J T Laughlin, and Seargent of Police J D Platt, were not derelict in their duties as charged.

The substitute of Councilman Gracy was accepted by Councilman Hart, and the resolution, <sup>with said addition</sup> ~~as amended~~ was passed by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Gracy, Hart and Powell  
Nays none.

Mayor Wooldridge presented the following as the reasons for his vote, viz:

To the Public:

Austin, Texas, June 14, 1909.

In a pugilistic encounter at the Gymnasium of Albert Reatz in this City, between Geo Keppe and Victor Lyons, on the night of June 4th, 1909, Victor Lyons received serious injuries from the effects of which he died the next morning.

This occurrence is not only deemed a deplorable affair, but it has brought sorrow and shame to our people, and is held as a reproach against Austin throughout the State and Country.

At this encounter, City Marshal, J T Laughlin and his Seargent J D Platt were present, and neither interposed to prevent or stop the conflict.

Other peace Officers of higher rank than Laughlin and Platt were also present at this encounter.

The City Council, at the express solicitation of Marshal Laughlin and Seargent Platt, and partly of its own motion, and partly at the instance of good Citizens of this City, made a full and impartial investigation into the main facts of this pugilistic encounter, and into the official conduct of Marshal Laughlin and Seargent Platt upon this occasion. The formal examination lasted for about four days. The Council had given several days of quiet but industrious investigation, into the facts of this occurrence before the public examination began. More than fifty witnesses were examined by the City Council at this investigation. With the purpose and desire of getting at the real facts of this encounter and the conduct of our Officers at the same. Very great latitude was allowed in the examination of witnesses. Much hearsay testimony was admitted, and many rumors and reports were heard, hoping they would furnish clues which could be run down into legitimate evidence.

At this examination the privilege was given to interested persons present to freely examine witnesses. Several persons availed themselves of this privilege, among them was Ex-Governor Sayers, who sought by his questions and arguments to prove that the encounter at Reatz's was a prize fight, and that the City Marshal and his Seargent were culpable in not suppressing the same.

As the tragedy of the death of Victor C Lyons is the saddest and perhaps the most reprehensible event of the sort that has occurred in Austin, and as in this matter I am the first representative of the City, I deem it a duty to myself and to the public to state the conclusions at which I have individually arrived, as to the character

Mayor reasons for his vote in the Resolution

As an addition to this resolution

.of this contest, and to give the reasons moving me to act, as I shall act towards

Marshal J T Laughlin and his Seargent ,J D Platt

From the evidence submitted at this investigation, I believe this pugilistic contest ,in spirit and effect to have been a prize fight. I disclaim in this declaration the purpose or desire to injure or prejudge any one before the tribunals which have legal jurisdiction of this affair, but my sense of duty to myself and the public require I should state explicitly what I think.

Money may not have been the consideration of this contest, but if not, in my judgment ,a championship certainly was. The contestants at this prize fight as I regard it, were practically professionals. They had been each in active training for a month or more before the contest. The contest was severe from the start and at the last became brutal. The tickets to the contest in form and manner of sale were not such as would be natural and proper for an innocent boxing match. But the outcome of the fight, while not an illogical one, was, I believe, entirely unexpected, unintended and in a sense an accident.

Prize-fighting, if this contest were a prize-fight, is not a violation of any City law. It is not an offense defined by our charter and City ordinances.

It is a felony and punishable only in the State tribunals.

While this is true the City Marshal, and his Seargent ,under the charter and ordinances of this City are vested with the power, and it is their duty to be active in quieting disorders, and disturbances of the peace within the City limits.

And it is made their duty to arrest without warrant all violators of the public peace, or those who shall be guilty of disorderly conduct in their presence.

And to preserve good order and prevent a breach of the Peace they have like power and authority with the Sheriff of the County. And it was the duty of Marshal Laughlin and Seargent Platt to stop this prize-fight, and arrest the offenders, if they knew or had reasonable cause to believe it to be such and this notwithstanding there were State Rangers and County peace Officers present and witnessing the same, or to suppress a breach of the peace if they knew one to be occurring.

At the investigation Marshal Laughlin was shown to be an exemplary christian gentleman and efficient Officer. As an Officer he was shown to be quiet but firm, courageous but cautious .He had been City Marshal of Austin less than two months when this pugilistic encounter came off. He had, however, had experience elsewhere as a peace Officer, for about ten years, and his record was good.

Marshal Laughlin swore he had never seen a prize-fight, nor ever a boxing or sparring match. He may have been the less experienced Officer, but he can hardly be regarded as the worse man by reason of these facts.

Boxing matches have been had in this City at Raatz's gymnasium for the last two years or more. Two had come off prior to this last within the preceding three months. This particular Lyon-Keppel .contest was extensively advertised and talked about as of the usual sort, only intended to be more spirited in character, and was by the general public believed to be so .

Laughlin upon inquiry as this contest had been informed that it would probably be harmless ,as those which had preceded it were and that his duty was only to be present at the contest and preserve order, and this I believe, was his sole purpose in being there. From the evidence before the Council no investigation before the fight would have disclosed to even an Officer its real character.

- It is probable that the largest proportion of the men who saw this contest did not know it to be a prize-fight and they still insist it was not one. I firmly believe the Marshal did not suspect this contest to be a prize-fight, and that he done so he would have promptly stopped it.

When the contest at its conclusion had become brutal and an interference right and proper, it was too late, the fatal injury had been inflicted and the fight was at an end.

Laughlin as stated, has been City Marshal of Austin less than two months I have watched him carefully during that time. I believe him to be a man of high moral character, a faithful and very efficient Officer, a thoroughly brave but a discreet and prudent one.

- Upon this occasion of this fight he was new in office, new to his surroundings, new to the laws of the City and to his duties and responsibilities under those laws. Upon this occasion State and County Officers were present who ranked him in the matter of duty towards this prize fight, if it were one, and he had the natural reserve of a modest man in such a presence. He had inquired into his duty for this occasion, and he was instructed and he was there to do that duty, as he understood it to be. He had never seen a prize-fight nor even a boxing match, and to hold him responsible for not knowing this was a prize-fight, if it were a prize-fight, and for not discerning when this contest was passing from a scientific boxing match, if it were, into a brutal affair, is to ask of him superhuman wisdom and judgement, and to demand this of him would be both unreasonable and unjust, and so clearly believing, I can neither vote to reprimand nor to remove him.

Entrusting the above convictions with regard to the conduct of Marshal Laughlin, I shall also vote to exonerate from censure or removal his Sergeant J D Platt.

Respectfully,

A P Wooldridge, Mayor.

Councilman Bartholomew presented the following as his reasons for his vote.

Mr Mayor and others members of the City Council of Austin. We have listened four full days to witnesses as to the failure of Marshal J T Laughlin and Serjt J D Platt to arrest the parties and stop the fight which took place on th 4th inst, at the rooms of Albert Raatz.

We have invited all citizens of Austin who knew anything of this unfortunate affair to appear and give evidence. The investigation has taken a wide range and a great part of the testimony is hearsay and irrelevant. I am pleased that many citizens have taken an active part in bringing in witnesses and interrogating them; among whom were Governor Sayers, Rev Dr Godby, J Gregg Hill, the deceased's Father and others. It has been a fair and thorough investigation.

The question for us to decide is: Are City Marshal J T Laughlin

Councilman  
Bartholomew  
for his vote

and Seargent J D Platt guilty of neglect of duty in failing to interfere and stop the so called sparring match between Geo Keppe and Victor Lyons, which took place in Albert Raatz's gymnasium on the night of June 4, 1909.

If guilty they should be dismissed from the service, suspended or reprimanded. If not guilty, we should say so. Seargent Platt being there with Marshal Laughlin, his superior Officer, and there being no evidence that he failed to obey his superior Officer, I cannot see how we can find him guilty under any theory.

It appears that Mr Raatz has a gymnasium where physical culture is taught, and among the exercises boxing and sparring with gloves take place, men, women, boys and girls attend. It has been a place of good repute. He has occasionally given boxing and sparring exhibitions, and not until the one on June 4th has there been any complaint, and on no other occasion has any serious injury occurred.

That night Victor Lyons received injuries which caused his death.

I understand there is no law against a boxing or sparring contest, which may be considered a pugilistic encounter, unless an admission fee is charged; money wagered; or a purse given. No witness testified he paid for admission, all said they were admitted on complimentary ~~tickets~~ tickets or by virtue of holding tickets for one month's course in physical culture.

However it must be admitted that a few tickets for physical culture were purchased apparently for the purpose of placing the purchasers in position to receive tickets to this so called sparring match.

There is no evidence there was a wager on this contest; and also no evidence that a purse was offered or given. The nearest to evidence of a purse offered, is the statement of N W Lyons, that his son told him he would fight any common light weight for \$ 100, but he did not say he was to get it for this particular fight.

There were present at this sparring or boxing contest, the County Judge, Sheriff, two Deputy Sheriffs and one Deputy Constable of this County, three State Rangers; the Marshal and Seargent of this City, as well as probably 150 Citizens of all walks of life. In fact the best of our Citizens (if it be proper to make such distinction) were there and are said to have enjoyed the contest.

Not one of these Officers or Citizens endeavored to stop the fight or entered any protest while it was going on. Those at the contest who testified (with two exceptions) stated that it was a clean, friendly boxing match, and there was no occasion for an Officer to interfere before the match was closed. Blood was drawn and flowed quite freely, but I imagine it would not be much of a boxing or sparring match unless some one was hit.

I have never witnessed a prize-fight, a boxing match or sparring match.

I have seen a base ball game and seen the pitchers hurl a ball resembling a cannon ball as to hardness with lightning velocity to the Catcher who shielded his head in an iron cage for safety and had his hand in a heavily padded glove for protection. I have also witnessed the foot ball game where all players are in padded clothes and are otherwise protected. Many are injured in these games recognized by colleges and universities, and fatal results often occur.

Not long since one young man received injuries on one of our own University grounds which caused his death.

These are strenuous times. Old time games do not satisfy.

The Superintendent of Police and Public Safety instructed Chief Laughlin to

. attend this contest .There is not a particle of evidence showing that he knew it to be a prize-fight(if it was such),his information being that it was a friendly sparring match.No other Officers interferred with it,neither did he.

The Charter of Austin gives the Superintendent of each Department the authority to nominate the Officers and employees of his Department.The remainder of the Council can confirm or reject nominations but cannot elect without nomination.

J T Laughlin was not my first choice for Marshal.I had no acquaintance with him until his candidacy for Marshal.I thought the Citizens of Austin favored another.A majority of the Council were of the same opinion ,but the Superintendent of the Department of Police and Public Safety preferred J T Laughlin and we confirmed the appointment.The more I have seen of Mr Laughlin the more I like him, and I think this is true with the others who know him.

He may have made mistakes .They were mistakes.He has endeavored to do his duty.He has made a good Officer .If he continues such he cannot be removed by my vote.Hence I vote for the resolution offered.

E C Bartholomew.

On motion the Council recessed ,subject to call of the Mayor.

Austin,Texas ,June 15th 1909.

The Council was called to order by the Mayor with all members present Councilman Bartholomew moved that he be authorized to purchase 1100 or more feet of wrought iron pipe 16 inches in diameter,at \$ 3.56 per running foot,and two expansion joints ,at about \$ 40.00 each,to be placed across the Colorado River bridge ,said purchases to be paid for out of the Water & Light Earnings fund,which motion prevailed by the following vote:

Yeas Mayor Wooldridge,Councilmen Bartholomew,Gracy,Hart & Powell 5  
Nays none .

. On motion the Council adjourned.

*Joseph Johnson*  
City Clerk.

*Supt. W. L. Plant  
Authorized to make  
Certain purchases*